

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS**

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	CRIMINAL ACTION
)	No. 14-20030-02-KHV
v.)	
)	CIVIL ACTION
ALVIN J. WILLIAMS,)	No. 17-2594-KHV
)	
Defendant.)	
_____)	

MEMORANDUM AND ORDER

This matter is before the Court on defendant’s Request Of Transcripts By An Indigent Defendant (Doc. #99) filed September 28, 2017. Defendant seeks a copy of the docket sheet and transcripts of his plea hearing and sentencing. The Court directs the Clerk to provide defendant a copy of the docket sheet.

Defendant also seeks transcripts of court proceedings. At this stage, the court reporter has not prepared transcripts of the change of plea hearing or sentencing. Defendant apparently seeks the transcripts in support of his Motion To Vacate Under 28 U.S.C. § 2255 (Doc. #100) filed October 10, 2017. Defendant has filed a memorandum in support of his Section 2255 motion. On October 25, 2017, the Court directed the parties to file briefs which are limited to the issue of potential procedural bars to defendant’s motion. See Memorandum And Order (Doc. #102). Defendant has not shown that absent the transcripts, he cannot respond on the issue of potential procedural bars.

Absent a showing of a particularized need, the Court generally does not provide copies of transcripts to indigent prisoners. See Rule 7 of the Rules Governing Section 2255 Proceedings (if motion not summarily dismissed, court may order expansion of record to include additional

materials relevant to motion); 28 U.S.C. § 753 (fees for transcripts paid by United States if judge certifies that suit or appeal is not frivolous and that transcript is needed to decide issue presented); 28 U.S.C. § 2250 (United States shall furnish without cost to indigent prisoner such documents as judge may require); Brown v. N.M. Dist. Court Clerks, 141 F.3d 1184, 1998 WL 123064, at *3 n.1 (10th Cir. Mar. 19, 1998) (to obtain free copy of transcript, habeas petitioner must demonstrate claim not frivolous and materials needed to decide issue presented by suit); United States v. Sistrunk, 992 F.2d 258, 260 (10th Cir. 1993) (under 28 U.S.C. § 753(f), indigent defendant entitled to free copy of transcript on showing of particularized need); Ruark v. Gunter, 958 F.2d 318, 319 (10th Cir. 1992) (prisoner does not have right to free transcript simply to search for error in record). The Court therefore overrules defendant's request for copies of transcripts.

IT IS THEREFORE ORDERED that defendant's Request Of Transcripts By An Indigent Defendant (Doc. #99) filed September 28, 2017 is **SUSTAINED in part**. The Court directs the Clerk to provide defendant a copy of the docket sheet. The Court overrules defendant's request for transcripts.

Dated this 6th day of November, 2017 at Kansas City, Kansas.

s/ Kathryn H. Vratil
KATHRYN H. VRATIL
United States District Judge